

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 17, 2008

No. 07-60399
Summary Calendar

Charles R. Fulbruge III
Clerk

TOMMY BAILEY; BARBARA BAILEY; JOHN BOWDEN; CHERYL
BOWDEN; RICHARD BURROWS; WENDY BURROWS; BRADLEY
BYNUM; REBECCA BYNUM; MARK HAGGARD; ROXAN HAGGARD;
JOSEPH KAULFERS; KAREN KAULFERS; MIKE MELTON;
CHRISTOPHER NAUSE; HOUSTON NEAL; MARK QUINN; JEFFREY
SHELTON; SANDRA SPADT; THOMAS SPADT; TONY THOMPSON;
KRISTINA THOMPSON; GARY PHILYAW; JOHNNY PILGRIM; LEWIS
SELLS; GERALD WAYNE SMITH; RON CHRISTOPHER HUDNALL;
ESTATE OF DENNIS SMITH

Plaintiffs - Appellants

v.

LOCKHEED MARTIN CORPORATION; LOCKHEED MARTIN
AERONAUTICAL SYSTEMS COMPANY

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 4:04-CV-124

Before KING, DAVIS and CLEMENT, Circuit Judges.

PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The plaintiffs appeal the district court's grant of summary judgment. This case arises from a workplace shooting by a deranged employee who went on a violent rampage at work, killing and wounding coworkers before turning the gun on himself. The case requires us to interpret Mississippi state workers' compensation law and decide whether the plaintiffs' state law tort claims are barred by the Mississippi workers' compensation law's exclusive remedy. However, we addressed this issue in *Tanks v. Lockheed Martin Corp.*, a case which arose from the same incident and is factually and legally indistinguishable from the case here. 417 F.3d 456 (5th Cir. 2005). In *Tanks*, we disagreed with the district court's interpretation of competing lines of Mississippi cases on the subject and reversed, holding that the assaults were exclusively compensable by state workers' compensation law. *Id.* at 468. Therefore, for the reasons listed in *Tanks*, we AFFIRM the grant of summary judgment by the district court.